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IPW/18

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/804,576	03/19/2004	Fred H. Miller	027668-0108

CONFIRMATION NO. 7069

FORMALITIES LETTER



OC000000012830424

22428
FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

Date Mailed: 06/01/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/01/2004 SZEWDIE1 00000065 10804576

FILED UNDER 37 CFR 1.53(b)

01 FC:2001	385.00 OP
02 FC:2051	65.00 OP
03 FC:2201	301.00 OP
04 FC:2203	145.00 OP
05 FC:2202	972.00 OP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 1-13.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$1382** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1832** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$1382**
 - **\$301** for **7** independent claims over 3.
 - **\$936** for **104** total claims over 20.
 - **\$145** for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

B. To

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fred H. MILLER
Title: MULTI-PHASE MULTI-COMPARTMENT
CAPSULAR DELIVERY APPARATUS AND
METHODS FOR USING SAME
Appl. No.: 10/804,576
Filing Date: 03/19/2004
Examiner: Unassigned
Art Unit: 1615

**TRANSMITTAL OF MISSING PARTS
OF PATENT APPLICATION**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application mailed June 1, 2004, in the above-identified application, transmitted herewith are the missing parts to complete the filing of the subject patent application.

Enclosed are:

[X] Declaration and Power of Attorney (4 pages)

Any attached specification is a copy of the specification and any amendments thereto which were filed in the U.S. Patent and Trademark Office in order to obtain a filing date for the application.

[X] Return Copy of Notice to File Missing Parts

[] Translation

[X] Replacement Drawings Transmittal (w/13 sheets of drawings)

[] Preliminary Amendment

- ☐ Claim for Convention Priority and certified copies of priority document
☐ Information Disclosure Statement
☒ Assertion of Small Entity Status
☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:
 ☒ Extension for response filed within the first month
 ☐ Extension for response filed within the second month
 ☐ Extension for response filed within the third month
 ☐ Extension for response filed within the fourth month
 ☐ Extension for response filed within the fifth month

☒ Assignment and PTO form 1595
☒ Letter of Clarification

The filing fee is calculated below:

	Claims as Filed		Included in Basic Fee		Extra Claims		Rate		Fee Totals
Basic Fee							\$770.00		\$770.00
Total	128	-	20	=	108	x	\$18.00	=	\$1,944.00
Claims:									
Independents:	10	-	3	=	7	x	\$86.00	=	\$602.00
If any Multiple Dependent Claim(s) present:						+	\$290.00	=	\$290.00
Surcharge under 37 CFR 1.16(e) for late filing of Executed Declaration and late payment of filing fee						+	\$130.00	=	\$130.00
							SUBTOTAL:	=	\$3,736.00
[X]							Small Entity Fees Apply (subtract ½ of above):	=	\$1,868.00
							TOTAL FILING FEE:	=	\$1,868.00
							TOTAL FEE	=	\$1,868.00
Difference to pay:						-	\$0.00	-	\$1,868.00

[X] Checks in the amount of \$1,868.00 and \$55.00 for payment of surcharge fee (37 C.F.R. § 1.16(e))

[] Please charge Deposit Account No. 19-0741 in the amount of
\$1,868.00 in payment of surcharge fee (37 C.F.R. § 1.16(e))

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 31 August 2004

By S. A. Bent

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5404
Facsimile: (202) 672-5399

Stephen A. Bent
Attorney for Applicant
Registration No. 29,768



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fred H. MILLER

Title: MULTI-PHASE MULTI-COMPARTMENT CAPSULAR
DELIVERY APPARATUS AND METHODS FOR USING
SAME

Appl. No.: 10/804,576

Filing Date: 03/19/2004

Examiner: Unassigned

Art Unit: 1615

LETTER OF CLARIFICATION

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application mailed June 1, 2004, in the above-identified application, applicant was instructed to pay the filing fees for the above referenced application. The notice indicates that filing fees in the amount of \$1382.00, are now required.

Applicant submits that the correct filing fees for this application should be \$1868.00. The discrepancy in fees appears to be that the USPTO calculates a total of 124 claims while our calculation is 128 claims. Specifically, Applicant submits, that there are 118 claims as filed, of which, claims 53, 75, 77, 78, 99 and 103 are multiple dependent claims depending upon 2 claims. Further, claims 104 and 105 are multiple dependent claims depending upon 3 claims. This being considered, the total claim could should be 128.

In the attached transmittal of missing parts, a check in the amount of \$1868.00 is being submitted to cover the 128 total claims as filed. If any further clarification is required, the USPTO is invited to contact the undersigned directly.

Respectfully submitted,

Date 31 August 2004
FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5404
Facsimile: (202) 672-5399

By Stephen A. Bent
Stephen A. Bent
Attorney for Applicant
Registration No. 29,768



Atty. Dkt. No. 089048/0309

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fred H. MILLER
Title: MULTI-PHASE MULTI-COMPARTMENT
CAPSULAR DELIVERY APPARATUS AND
METHODS FOR USING SAME
Appl. No.: 10/804,576
Filing Date: 03/19/2004
Examiner: Unassigned
Art Unit: 1615

TRANSMITTAL OF REPLACEMENT DRAWINGS

Mail Stop: MISSING PARTS
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Pursuant to the Notice to File Missing Parts dated June 1, 2004, transmitted herewith are replacement drawings for Figures 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13, in compliance with 37 CFR 1.84 and 37 CFR 1.121. No new matter has been added to the aforementioned drawing sheets.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 31 August 2004

By Stephen A. Bent

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